

REMARKS

Applicants respectfully request reconsideration in view of the preceding amendments and the following remarks. Applicants respectfully submit that no new matter has been introduced. Claims 38-45 are fully supported by Applicants' specification as filed, for example, in paragraphs [0031], [0032], and [0050].

I. Claims Rejected Under 35 U.S.C. § 103

Claims 1-6, and 32-37 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,741,969 issued to Chen et al. (hereinafter "Chen") in view of U.S. Patent No. 2004/0110119 issued to Riconda et al. (hereinafter "Riconda").

To establish a *prima facie* case of obviousness the Examiner must show that the cited references, combined, teach or suggest each of the elements of a claim. In regard to claims 1 and 3, the Office Action states that Chen does not disclose "*automatically* updating the state variable of each member entity" in the claims (emphasis added). Applicants respectfully submit that Riconda also fails to do so.

The Examiner cites paragraphs [0094], [0111], [0119], and [0163] in Riconda as allegedly disclosing "*automatically* updating the state variable of each member entity" in the claims (emphasis added). Applicants however are unable to discern where this element is disclosed in these paragraphs.

Although paragraph [0094] of Riconda discloses several examples of Microsoft products that may comprise software elements in the system, it does not disclose "*automatically* updating the state variable of each member entity" (emphasis added). The Examiner states on page 3 of the Office Action, "Riconda et al. teach Internet Service, Communication Service, and *create new members in Active Directory* - paragraph 0094" (emphasis added). Applicants respectfully

assert that the Examiner is mischaracterizing the meaning of the term “member” in paragraph [0094] of Riconda as disclosing the term “member” of the claims. These respective terms are non-analogous.

Although the term “member” is not explicitly defined in Riconda, its meaning is clear when read in light of paragraph [0091] as referring to “*school members (represented, for example, by teachers, principals, etc) and school district members (represented, for example, by superintendents, district administrators, etc.)*” (emphasis added). The records of these members, however, are not the ones being updated. In Riconda the school members and school district members are the end users of the invention, which allows these school members and school district members to update student data in real-time. See Riconda, paragraph [0111]. In other words, the data associated with these school members and school district members is not updated, but rather the student data is updated corresponding to Student Portfolio Management data 32 in Fig. 1(a) of Riconda. If the Examiner wishes to maintain the rejection based on this citation, Applicants respectfully request the Examiner to clarify the rejection or cite more relevant prior art. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Paragraph [0111] discloses a system for teachers and other appropriate users to enter attendance records in real time. This requires a user under her volition to input data relating to attendance information into the system, and teaches away from the meaning of “automatic.” Applicants point out that “automatically” is the adverb form of “automatic,” refers to “[a]cting or operating in a manner essentially independent of external influence or control” and “[a]cting or done as if by machine; mechanical.” See, e.g., The American Heritage® Dictionary of the English Language, Fourth Edition. Houghton Mifflin Company, 2004. 01 Nov. 2006. <Dictionary.com <http://dictionary.reference.com/browse/automatically>>.

Paragraph [0119] discloses a system that enables reviewing of student demographic data, attendance data and academic performance data. This also requires a user under her volition to use the system to review the data and teaches away from the meaning of “automatic.” Further, paragraph [0119] fails to disclose any updating of data but merely provides a means to retrieve and display data. Finally, paragraph [0163] discloses a means to generate a series of reports based on user interaction with the system. Similarly, this also requires a user under her volition to use the system to retrieve and review the data and teaches away from the meaning of “automatic.” Moreover, paragraph [0163] fails to disclose any updating of data but merely provides a means to retrieve and display data. Hence, Riconda fails to provide the necessary teaching that is missing from Chen.

Thus, at least for the reasons mentioned above to claims 1 and 3, these claims are not obvious over the relied upon references. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

In regard to claims 4 and 6, these claims contain some limitations that are similar to those argued above in connection with claims 1 and 3. Thus, at least for the reasons mentioned in regard to claims 1 and 3, claims 4 and 6 are not obvious over the relied upon references.

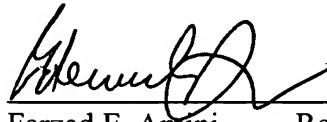
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-6 and 32-45, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 11/2, 2006



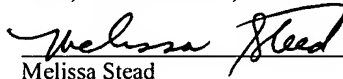
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Melissa Stead

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au·to·mat·ic (ô'tə-măt'ĭk) [Pronunciation Key](#)  

adj.

1.
 - a. Acting or operating in a manner essentially independent of external influence or control: *an automatic light switch; a budget deficit that triggered automatic spending cuts.*
 - b. Self-regulating: *an automatic washing machine.*
2.
 - a. Acting or done without volition or conscious control; involuntary: *automatic shrinking of the pupils of the eyes in strong light.* See Synonyms at spontaneous.
 - b. Acting or done as if by machine; mechanical: *an automatic reply to a familiar question.*
3.
 - a. Capable of firing continuously until ammunition is exhausted or the trigger is released: *an automatic rifle.*
 - b. Semiautomatic: *an automatic pistol.*

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